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10/605,407	09/29/2003	Vivian Tempkins	140478	2406
26058	7590	07/17/2007		
MICHAEL C. CESARANO FELDMAN GALE, P.A. 201 S. BISCAYNE BOULEVARD SUITE 1920 MIAMI, FL 33131			EXAMINER CHIN, PAUL T	
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			07/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### DETAILED ACTION

1. Applicant's arguments filed November 14, 2006 have been fully considered but they are not persuasive. **THIS ACTION IS MADE FINAL.**

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden (4,953,603) (see PTO-892) in view of Hills (3,857,142) (see PTO-892).

Holden (4,953,603) discloses a device comprising a grasp ring (20a), an elongated member having two opposing strands (see Figs. 1 and 2) wherein one being shorter in length and the strands are releasably joined at each distal end. Holden (4,953,603) does not show the first strand having a seating channel and an arcuate surface.

However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of Holden (4,953,603) as taught by Hills (3,857,142) to firmly contain the second strand. It appears that figures 1 and 2 shows the grasping ring in a relaxed state.

Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

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patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. It appears that Holden's device (4,953,603) may be capable of being applied in the large button or zipper.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ring Zipper Pull Snap Hook (item No. K9807) (see PTO-892) or ZIP-IT ZIPPER PULL (see PTO-892) in view of Hills (3,857,142) (see PTO-892).

Zipper Pull Snap Hook (item No. K9807), distributed by Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure ), an elongated tapered member having two opposing strands wherein one strand being shorter in length.

Similarly, ZIP-IT ZIPPER PULL, distributed by Wring Stuff, and Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure ), an elongated tapered member having two opposing strands.

Either Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL, does not show the first strand having a seating channel and an arcuate surface.

However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of either Ring Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL, as taught by Hills (3,857,142) to firmly contain the second strand. Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must

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result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The recited references would be capable of being applied in the button and zipper.

***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not persuasive.

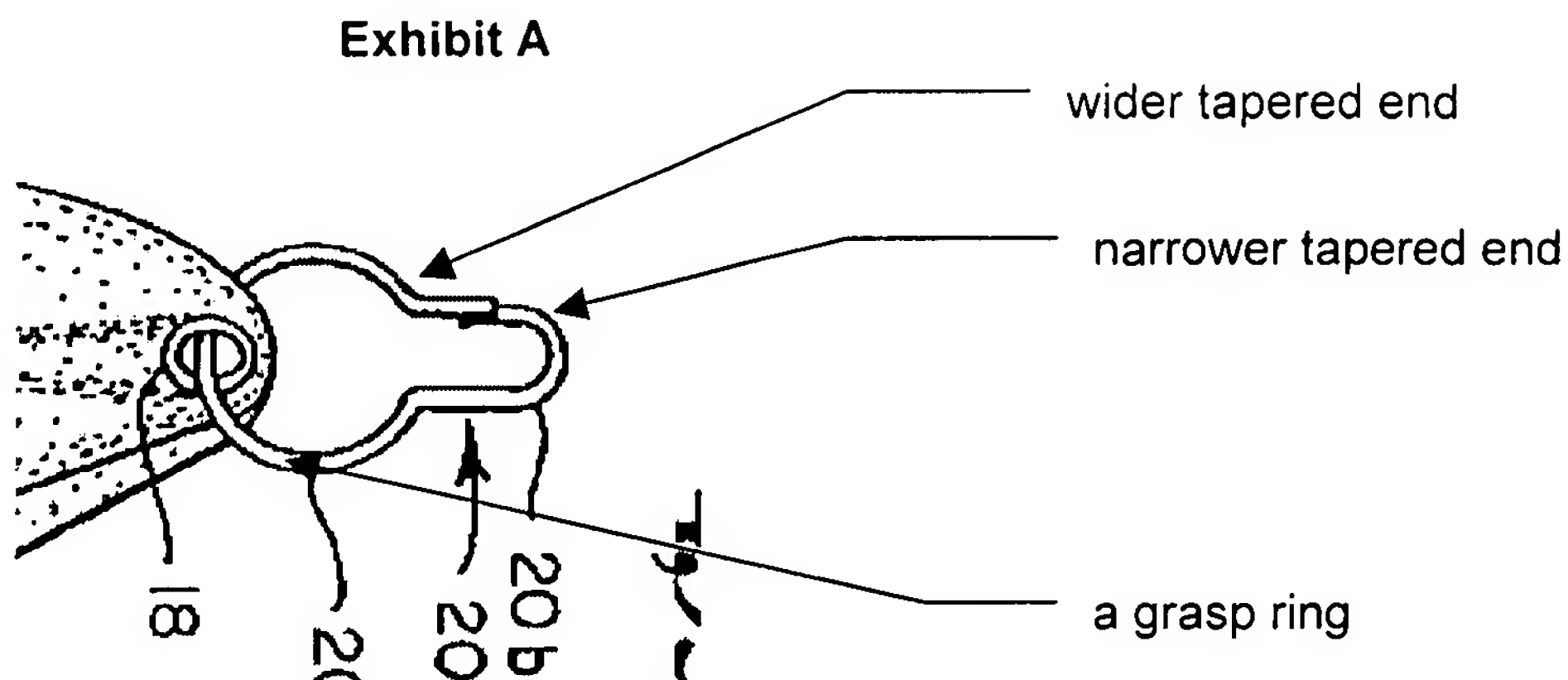
In response to applicant's argument that "applicant's device comprises a buttonhook and a zipper puller" and "a button hook may be inserted through a button hole and hooked around a button, ....said device forms a zipper puller when the first and second strands of the elongated portions are released" (last paragraph of claim 11), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Note that Holden's device (4,953,603) in view of Hills (3,857,142) is capable of performing the functional limitations as recited in the claim. Similarly, either Ring Zipper Pull Snap Hook in view of Hills (3,857,142) or ZIP-IT ZIPPER PULL in view of Hills (3,857,142) is capable of performing the functional limitations as recited in the claim.

Applicant argues that Holder nor Hills nor either of the other cited references, teaches "an elongated portion being tapered toward the end opposite said grasp ring" (last paragraph of page 2).

**Holden's device (4,953,603) in view of Hills (3,857,142)**

Holden's device (4,953,603) substantially teaches that "an elongated portion being tapered toward the end opposite said grasp ring" (see Exhibit A).

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Ring Zipper Pull Snap Hook in view of Hills (3,857,142) or ZIP-IT ZIPPER PULL in view of Hills (3,857,142)

Both Ring Zipper Pull Snap Hook and ZIP-IT ZIPPER PULL show "an elongated portion being tapered toward the end opposite said grasp ring" (see PTO-892).

Applicant also argues that "none of the cited art discloses "said terminus of said first strand being releasably held within said seating channel of said second strand against tension applied by said grasp ring" (3<sup>rd</sup> paragraph of page 3).

Hill's device, a secondary reference, teaches "the terminus of said first strand (34) being releasably held within said seating channel (24) of said second strand against tension applied by said grasp ring (see Figs. 5 and 6, and also see Col. 2, lines 62-64)".

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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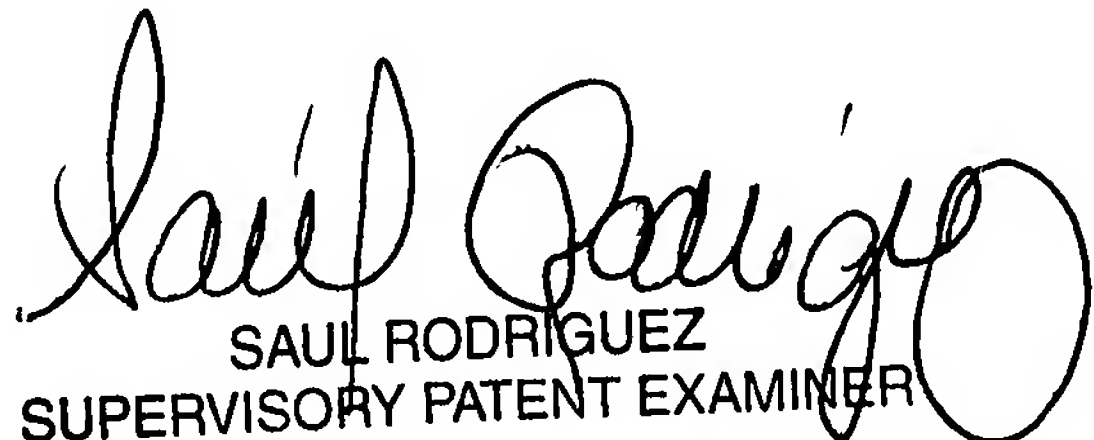
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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